

AMENDED IN ASSEMBLY JANUARY 25, 2010

AMENDED IN ASSEMBLY APRIL 23, 2009

AMENDED IN ASSEMBLY APRIL 1, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 537**

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**Introduced by Assembly Member Arambula**

February 25, 2009

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An act to add Section 10072.1 to the Welfare and Institutions Code, relating to public benefits.

### LEGISLATIVE COUNSEL'S DIGEST

AB 537, as amended, Arambula. Farmers' markets: electronic benefit transfers.

Existing law provides for the establishment of a statewide electronic benefit transfer (EBT) system for the purpose of providing financial and food assistance benefits to needy Californians.

This bill would require, *with certain exceptions a flea market farmers' market; or certified farmers' market; or other open-air market selling fresh produce*, that does not have an EBT system in place by January 1, 2012, to ~~allow a~~ *designate or assign an interested* Food Nutrition Service (FNS)-authorized ~~3rd-party~~ organization to operate an EBT acceptance system in the market, as specified. The bill would ~~authorize~~ *require* the State Department of Social Services to ~~designate or assign a nonprofit organization that is or can be FNS-authorized to accept the EBT card on behalf of the produce sellers~~ *consider and solicit input from the market prior to making a designation or assignment authorized under the bill, to avoid potential conflicts, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 10072.1 is added to the Welfare and  
2     Institutions Code, to read:  
3     10072.1. (a) The Legislature finds and declares that ~~farmers'~~  
4     ~~markets, certified farmers' markets, and other open-air markets~~  
5     ~~selling fresh produce~~ *flea market farmers' markets and certified*  
6     ~~farmers' markets~~ are important sources of low-cost produce for  
7     Californians in need of food assistance.  
8     (b) *(1)* If by January 1, 2012, a market described in subdivision  
9     (a) does not have a system in place for its produce sellers to accept  
10    electronic benefit transfer (EBT) for purchases, ~~the market shall~~  
11    ~~allow a State Department of Social Services may designate or~~  
12    ~~assign an interested~~ Food and Nutrition Service (FNS)-authorized  
13    ~~third-party~~ organization to operate an EBT acceptance system in  
14    the market on behalf of the market's produce sellers. The market  
15    shall ~~reasonably allow and~~ accommodate the FNS-authorized  
16    ~~third-party~~ organization in a *reasonable* manner that aids in the  
17    creation, implementation, and operation of the EBT acceptance  
18    system.  
19    ~~(e) The State Department of Social Services may designate or~~  
20    ~~assign a nonprofit public benefit, charitable, or social welfare~~  
21    ~~organization that is or can be FNS-authorized to accept the EBT~~  
22    ~~card on behalf of the produce sellers.~~  
23    *(2) This subdivision shall not apply to a market described in*  
24    *subdivision (a) that operates an active and current EBT acceptance*  
25    *system.*  
26    *(c) The State Department of Social Services shall consider and*  
27    *solicit input from the market prior to making a designation or*  
28    *assignment authorized under this section, to avoid, among other*  
29    *potential conflicts, the selection of an entity that is in direct*  
30    *competition with the market being served. The department may*  
31    *condition an assignment or designation, and remove an*  
32    *FNS-authorized organization previously designated or assigned*  
33    *by the department.*  
34    *(d) Nothing in this section shall be interpreted to require a*  
35    *market described in subdivision (a) to itself create, operate, or*

1 *maintain an EBT acceptance system on behalf of its produce*  
2 *sellers.*

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